

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:	§	
	§	CASE NO. 14-32582-H1-7
SHAKIR'S INTERNATIONAL, LLC	§	
	§	(Chapter 7)
Debtor	§	

RODNEY TOW, TRUSTEE	§	
Plaintiff	§	ADVERSARY NO. 15-3239
	§	
v.	§	
	§	
MUNIRA SHAKIR	§	
Defendant	§	

TRUSTEE'S RESPONSE TO DEFENDANT'S MOTION TO COMPEL DISCLOSURE

TO THE HONORABLE MARVIN ISGUR, UNITED STATES BANKRUPTCY JUDGE:

COMES NOW Rodney Tow, Trustee of the bankruptcy estate of Shakir's International, LLC and Plaintiff herein ("**Trustee**") and files this Response to the Defendant's Motion to Compel Disclosure and in support thereof, represents as follows:

PROCEDURAL BACKGROUND

1. This Adversary Proceeding was commenced on September 30, 2015.
2. On December 8, 2015 the Court held a scheduling conference and entered its Initial Scheduling Order. (Doc. No. 13). The Scheduling Order also required Munira Shakir (the "**Defendant**") to produce all books and records by no later than January 15, 2016
3. On April 29, 2016, after the Trustee prosecuted his own motion to enforce this Court's discovery order, the Defendant finally turned over the remainder of the records in issue to

him. With these records, the Trustee had received enough records to have his expert's report prepared.

4. On July 20, 2016, the expert report was produced to the Defendant.

5. Thereafter, the Defendant requested permission to inspect the records which were turned over the Trustee. On August 8, 2016, the Defendant inspected the records at the office of Trustee's counsel and requested copies of several documents. On August 17, 2016 copies of those documents were made available to the Defendant.

6. On August 24, 2016, the Court held a second scheduling conference. At the hearing, the Court ordered the Trustee to produce documents identified on Exhibit "A" to his expert's report by no later than September 7, 2016. On September 7, 2016, the Defendant came to the offices of Trustee's counsel to pick up three (3) compact discs which contained the documents in question.

7. On September 23, 2016, the Defendant filed a Motion to Compel Disclosure with this Court. (Doc. 35). A hearing on this matter is currently scheduled on October 17, 2016.

SPECIFIC RESPONSES TO DEFENDANT'S MOTION

8. The Defendant has requested four (4) items which she believes were not produced pursuant to this Court's order. After review of the motion and the documents produced to the Defendant on August 17th and September 7th, Trustee believes that the items identified by the Defendant have been produced to her as requested for the following reasons:

- a. Federal income tax return of Munira Shakir for the year 2012. The Defendant's tax return is not specifically identified in Exhibit "A" and was therefore not produced on September 9th. However, a copy of the Defendant's 2012 tax return was produced to her on August 17th as Bates

Stamp 000072-000079. A copy of the return is attached hereto as **Exhibit A**.¹

- b. Federal income tax return of Shakir's International LLC for the year 2011, as listed at serial no. 20 in Exhibit "A" to the Report. The Trustee does not possess a copy of a 2011 tax return for "Shakir's International." However, M.S. International, a dba of Shakir's International and one of the companies referred to as "SHIL" in the expert report, appears in Schedule C to Hussain Shaikh's 2011 tax returns. The Trustee's expert reviewed Mr. Shaikh's return when she prepared her report. A copy of Mr. Shaikh's return was produced to the Defendant on September 9th as Trustee's Bates Stamp 002846-002856. A copy of the return is attached hereto as **Exhibit B**.
- c. The document identified as "Shakir Informal Document Production.pdf" at serial no. 34 in Exhibit A to the Report. The document was produced to the Defendant on September 9th as Trustee's Bates Stamp 004656-004970. The document is over 300 pages in length and approximately 125 megabytes in size. As a result, the file cannot be uploaded electronically as one document and has not been attached to this Response. However, a duplicate copy of the document will be produced to the Defendant along with this Response.
- d. The document identified as "Shakir Kausar 8447 2012.10.01 to 2013.06.12" at serial no. 35 in Exhibit A to the Report. This document was inadvertently not produced to the Defendant on September 9th. However, the bank statements which comprise serial no. 35 were previously produced to the Defendant on August 17th as Bates Stamp 000169-000193. A copy of the document is attached hereto as **Exhibit C**.

9. For the foregoing reasons the Trustee believes that he has now complied with this Court's instruction to produce all documents identified on Exhibit "A" to his expert's report, thereby making that the Defendant's motion moot.

¹ The exhibits attached to the Response have been redacted as required by Court. Copies of the motion and the redacted exhibits will be produced to the Defendant as filed. Un-redacted copies of the exhibits will also be provided to her. All exhibits, whether redacted or not, will be produced to the Defendant on compact discs to avoid unnecessary administrative expense to the Estate.

WHEREFORE Trustee requests that the Court deny the Defendant's motion and give him such further relief to which he may be entitled.

Respectfully submitted,

/s/ Charles Long

CHARLES LONG

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ATTORNEYS FOR

RODNEY TOW, TRUSTEE

CERTIFICATE OF SERVICE

I hereby certify that on September 30, 2016, a true and correct copy of the *Trustee's Response to Defendant's Motion to Compel Disclosure* was served on the Defendant by United States Mail, postage prepaid and electronic mail as provided below.

Defendant

Munira Shakir

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Houston, TX 77095

[Ms intl52@hotmail.com](mailto:intl52@hotmail.com)

/s/ Vianey Garza

VIANEY GARZA